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23 AUG 2007

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In re Application of: BUNN, Arthur, H.
U.S. Application No.: 10/521,613
PCT No.: PCT/US2003/022338
International Filing Date: 16 July 2003
Priority Date: 16 July 2002
Atty Docket No.: 27726-98311
For: TEMPERATURE CONTROL
SYSTEM

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 06 August 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3).

Applicant has submitted the petition fee and the required reply, that is, a proper response to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 01 July 2005 in the form of an executed declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date.¹ The requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the national stage in the United States of America.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 06 August 2007.

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¹ Applicant's petition was accompanied by a five-month extension fee. However, an extension of time under 37 CFR 1.136(a) must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S, 8 USPQ2d 1630, 1631 (Comm'r Pats 1988). Since the extension fee submitted with the present petition was filed well after the maximum extendable period for reply to the Notification Of Missing Requirements, this fee is unnecessary and will be credited to petitioner's deposit account.



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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/521,613	Arthur H Bunn	27726-94515 NP

INTERNATIONAL APPLICATION NO.

PCT/US03/22338

I.A. FILING DATE	PRIORITY DATE
07/16/2003	07/16/2002

23644
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CONFIRMATION NO. 4042

371 FORMALITIES LETTER



OC000000016413442

Date Mailed: 07/01/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/14/2005
- Preliminary Amendments filed on 01/14/2005
- Information Disclosure Statements filed on 01/14/2005
- U.S. Basic National Fees filed on 01/14/2005
- Assignment filed on 01/14/2005
- Priority Documents filed on 01/14/2005
- Power of Attorney filed on 01/14/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

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PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/521,613	PCT/US03/22338	27726-94515 NP

FORM PCT/DO/EO/905 (371 Formalities Notice)